

TO: **Chiefs, Deputies, Federal Liaisons, and Communications Directors**
FROM: **Chris Minnich, CCSSO Executive Director;**
Peter Zamora, CCSSO Director of Federal Relations
DATE: **June 7, 2013**
SUBJECT: **Senator Alexander's ESEA Reauthorization Bill**

On June 6, Senator Lamar Alexander, Ranking Minority Member on the Senate Committee on Health, Education, Labor, and Pensions (the HELP Committee) [introduced](#) S. 1101, the Every Child Ready for College or Career Act of 2013, his bill to reauthorize the Elementary and Secondary Education Act. Senator Alexander and other Republican HELP Committee members are likely to put forward this proposal as an alternative to Senator Harkin's Strengthening America's Schools Act when the HELP Committee [marks up](#) that bill next week. The purpose of this memorandum is to provide a brief summary of the major provisions of the Alexander bill.

Generally, CCSSO is encouraged that Senator Alexander's ESEA proposal returns much authority to state and local education officials and greatly limits burdens to states. Most chiefs, however, would accept a stronger federal role that ensures accountability for federal funds by maintaining more federal requirements than are in the Alexander proposal. We are also concerned that the partisan nature of the current ESEA debate significantly limits prospects for final passage in this Congress.

CCSSO has not yet endorsed any of the competing ESEA proposals in this Congress and is not likely will not do so prior to the Senate HELP Committee markup scheduled for Tuesday, June 11.

Title I: Improving Basic Programs Operated by State and Local Educational Agencies

The bill would maintain much of the current structure of Title I, Part A (Grants to Local Educational Agencies) but provides fewer detailed program requirements. As under current law, states would be required to adopt academic content and achievement standards in reading or language arts, and in math and science, and, as under the Harkin bill, these standards would be required to align with the levels of proficiency needed to enter higher education without the need for remediation. The bill would retain the current requirement that states implement assessments aligned with those standards. The bill statutorily authorizes the 1% standards and assessments for students with disabilities, but does not include caps on using those assessments.

In place of current law's requirement that each state hold schools accountable for making "adequate yearly progress" (as defined in detail in the law), the bill would require that each state develop its own method of holding schools accountable for preparing all students for



higher education. Under the bill, that method would measure student achievement (and could also track academic growth) and would also take into account the achievement of student subgroups, gaps between groups, and high school graduation rates.

Each state's accountability system would identify schools "in need of strategies for improving student achievement and any other measures determined appropriate by the State." The local educational agency would develop and implement a comprehensive plan for assisting those schools. The bill provides a menu of possible strategies that could be implemented (replacement of staff, professional development, implementation of a new curriculum, and closure or conversion to a charter or magnet school) but would not require that these strategies be adopted. In addition, students enrolled in the identified schools could be given the opportunity to transfer to another school in the district but, unlike current law, this action would not be required.

While current law requires both state and local educational agencies to submit detailed plans describing how they will implement the various elements of the Title I program (although in practice SEAs and LEAs submit more concise ESEA consolidated plans), the bill would pare back the planning requirements considerably. The SEAs and LEAs would submit plans that largely assure that they will meet the legal requirements, with few descriptions required. The state and local report card requirements would be similar to those in current law.

With regard to fiscal accountability, the bill would continue the supplement/not supplant and comparability requirements without change, but would delete the maintenance-of-effort requirement (as it would also do for the other ESEA programs currently subject to "MOE").

The "highly qualified teacher" requirements of current law would be replaced by a requirement that all teachers working in Title I programs meet applicable state licensure and certification requirements.

While current law provides funding for school improvement through both a state-level set-aside of Title I-A funds and separate School Improvement Grants, the bill would provide a single source of funds – a four percent set-aside at the state level – to support a statewide system of technical assistance support for LEAs.

Of final note under Title I is that the bill would permit states to implement a "follow-the-low-income-child" option under which they allocate Title I-A funds strictly on the basis of counts of children living in low-income families, and LEAs then allocate the funds to schools on that same basis.

Title II – High-Quality Teachers and Principals

The bill would continue the Title II state formula grants program (renamed the Fund for the Improvement of Teaching and Learning) much as it operates under current law. The funds would be allocated by formula to states and then within states by formula to LEAs, and used for



professional development and other activities to improve teaching and school leadership. Each LEA would use its funds based on the findings of a comprehensive assessment of its most acute staffing needs and for activities that meet certain “principles of effectiveness.” Developing systems for evaluating teachers and principals, based in significant part on student achievement, would be an allowable but not required program activity. Unlike current law, funds could not be used to reduce class size. As under Title I, current requirements for information to be included in state and local plans would be reduced significantly.

Separately, Title II would authorize the Teacher Incentive Fund, which has been authorized through appropriations language since its inception almost a decade ago. Other currently operating Title II programs (Transition to Teaching, School Leadership) would not be continued, although similar activities might be carried out through the formula program or with the 5 percent set-aside that would be available for national activities. With funding from that set-aside, the Department of Education would support technical assistance and evaluations, and make grants to programs of national significance operated by institutions of higher education and national organizations.

Title III – Language Instruction for Limited English Proficient and Immigrant Students

The bill would continue the current Title III authority without change.

Title IV – Safe and Healthy Students

The bill would authorize a Safe and Healthy Students formula program structured along the lines of the Safe and Drug Free Schools program (which is in current law but has not been funded for several years), but with a broader substantive focus. Funds would flow to states and then to LEAs by formula, and could be used for drug and violence prevention, before- and after-school programs, school-based mental health services, mentoring, counseling, physical education, and similar activities. The inclusion of language permitting the use of funds for before- and after-school programs, counseling, and physical education is significant because the bill would not continue the authorizations for 21st Century Community Learning Centers, Elementary and Secondary School Counseling, and Physical Education. As under Title II (and current law), the activities undertaken by states and LEAs would have to reflect certain principles of effectiveness. As under the other Titles, state and local application requirements would be minor.

Title V, Part A – Charter Schools

The bill would continue but restructure the current programs that support charter school start-ups, replication, and facilities. Of the funds made available for charter schools, 15 percent would go for facilities programs (a portion for credit enhancement and the remainder for state incentive grants), up to 5 percent would go for national activities (at least half for grants for start-up and replication and the remainder for technical assistance, dissemination, and evaluation), and all remaining funds would support grants to states, public chartering agencies,



LEAs, and charter management organizations for charter school start-ups and replications. Eligible state entities receiving grants (SEAs, state charter school boards, governors) would make subgrants to charter school developers.

Programs Repealed; Authorization of Appropriations

As noted above, the bill would terminate the authorizations for School Improvement, Grants, Transition to Teaching, School Leadership, 21st Century Community Learning Centers, Elementary and Secondary School Counseling, and Physical Education. Other currently funded programs – Advanced Placement, School Dropout Prevention, Arts in Education, Ready-to-Learn Television, Mathematics and Science Partnerships, the Fund for the Improvement of Education – would also be terminated, as would a large number of ESEA programs that have not been funded in several years (e.g., Educational Technology, Even Start, and School Libraries). Unlike the Harkin bill, the Alexander bill would not authorize the currently operating Race to the Top, Investing in Innovation, and Promise Neighborhoods programs, and would not create a new literacy authority to replace Striving Readers and the unfunded reading programs in current law.

Notably, unlike the Harkin bill, which would provide an indefinite (“such sums”) authorization for each program in each year, the bill would provide a definite authorization – a specific amount – that would cap funding for each of the five years of the reauthorization.

